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PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 21, 1975

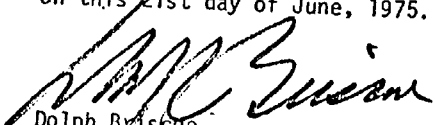
As provided under the provisions of Section 14, Article IV, Constitution of the State of Texas, I disapprove of H.B. 1984, passed by the 64th Legislature, Regular Session, 1975, and hereby file such Bill with the Secretary of State, State of Texas, setting forth the following objections.

This bill is a legislative response to a decision of a three-judge federal court in Dallas holding that certain Texas procedural rules governing appeals from justice courts to county courts in cases of forcible entry and detainer violate the equal protection clause of the Fourteenth Amendment to the United States Constitution. The federal court found that the rules for appeal, which include a requirement of an appeal bond in an unlimited amount, provide an "insurmountable barrier" for most appellants in forcible entry and detainer cases.

However, the federal court stayed its order for the purpose of allowing state revision of the offending procedural rules. Since 1939, the Texas Supreme Court has had responsibility for promulgating rules governing procedure in civil cases in this state. The court's long experience and distinguished record in resolving questions of civil procedure make it the most appropriate body to formulate a response to the objections of the three-judge federal court; and I perceive no reason to depart from this established and workable system under which rules of procedure are entrusted to the Supreme Court instead of the Legislature.

H.B. 1984 was received in the Governor's Office less than ten (10) days prior to the adjournment of the regular session of the Sixty-fourth Legislature, and in accordance with the Constitution of the State of Texas, this bill, together with this Proclamation, is filed with the Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State of Texas to be affixed hereto at Austin, Texas, on this 21st day of June, 1975.


Dolph Briscoe
Governor of Texas